

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>04-166</u>
	:	
v.	:	DATE FILED _____
	:	
MICHAEL CROSBY	:	VIOLATIONS:
a/k/a "Shaheed"	:	
	:	21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)
	:	(possession of cocaine with intent to
	:	distribute – 1 count)
	:	
	:	18 U.S.C. § 924(c)(1) (possession of a
	:	firearm in furtherance of a drug
	:	trafficking crime – 1 count)
	:	
	:	18 U.S.C. §§ 922(g), 924(e) (possession of
	:	a firearm by a convicted felon – 1 count)
	:	
	:	Notice of prior convictions
	:	
	:	Notice of forfeiture
	:	
	:	Notice of additional factors

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about January 3, 2004, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

**MICHAEL CROSBY,
a/k/a "Shaheed,"**

knowingly and intentionally possessed with the intent to distribute a mixture or substance
containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 3, 2004, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

**MICHAEL CROSBY,
a/k/a “Shaheed,”**

knowingly possessed a firearm, that is, a .40 caliber Smith & Wesson semi-automatic handgun, serial number PAV9384, loaded with ten live rounds in the magazine and one in the chamber, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, as charged in the indictment.

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 3, 2004, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

**MICHAEL CROSBY,
a/k/a “Shaheed,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a .40 caliber Smith & Wesson semi-automatic handgun, serial number PAV9384, loaded with ten live rounds in the magazine and one in the chamber.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(e).

NOTICE OF PRIOR CONVICTIONS

THE GRAND JURY FURTHER CHARGES THAT:

Defendant **MICHAEL CROSBY, a/k/a “Shaheed,”** committed the offense charged in Count Three of this Indictment after having been convicted in a court of the Commonwealth of Pennsylvania, and a court of the United States of America, of at least three violent crimes or felony drug offenses, as follows:

1. Robbery – Philadelphia County docket number 9002-0188;
2. Possession With Intent To Deliver A Controlled Substance – Philadelphia County docket number 9004-5057; and
3. Conspiracy To Distribute A Controlled Substance And Distribution Of A Controlled Substance – United States District Court for the Eastern District of Pennsylvania, Criminal No. 95-391-02.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

_____ As a result of the violations of Title 18, United States Code, Sections 924(c)(1) and 922(g)(1), set forth in this indictment, the defendant

**MICHAEL CROSBY,
a/k/a “Shaheed,”**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), the firearm and ammunition involved in the commission of these offenses, including, but not limited to:

- (a) the .40 caliber Smith & Wesson semi-automatic handgun, serial number PAV9384; and
- (b) the 11 live rounds of .40 caliber ammunition removed from the firearm described in Paragraph (a) above.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offenses charged in Counts One and Two of this indictment, defendant **MICHAEL CROSBY, a/k/a “Shaheed:”**

a. Was a career offender, as defined by U.S.S.G. § 4B1.1.

2. In committing the offense charged in Count One of this indictment, defendant **MICHAEL CROSBY, a/k/a “Shaheed:”**

a. Committed an offense in which a dangerous weapon (including a firearm) was possessed, as described in U.S.S.G. § 2D1.1(b)(1).

3. In committing the offense charged in Counts One, Two, and Three of this indictment, defendant **MICHAEL CROSBY, a/k/a “Shaheed:”**

a. Committed the instant offense while under a criminal justice sentence, that is, supervised release, as defined by U.S.S.G. § 4A1.1(d).

_____**A TRUE BILL:**

_____**FOREPERSON**

PATRICK L. MEEHAN
UNITED STATES ATTORNEY